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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SARGON SHAHBAZ YOGHANLOUI
GINZEH,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-72726

Agency No. A070-462-108

MEMORANDUM *

On Petition for Review of an Order of the
Board of Immigration Appeals

Argued and Submitted April 17, 2009
San Francisco, California

Before: NOONAN, ARCHER, ** and McKEOWN, Circuit Judges.

Sargon Shahbaz Yoghanelou Ginze petitions for review of a Board of Immigration Appeals (“BIA”) order dismissing his appeal of an Immigration Judge’s (“IJ”) denial of his application for asylum, withholding of removal, and

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The Honorable Glenn L. Archer, Jr., United States Circuit Judge for the Federal Circuit, sitting by designation.

protection under the Convention Against Torture (“CAT”). We have jurisdiction to review the BIA’s order under 8 U.S.C. § 1252 and do so for “substantial evidence,” meaning that we must affirm the BIA’s ruling unless the record “not only *supports* [the conclusion that Ginzeh has established eligibility for relief], but *compels* it.” INS v. Elias-Zacaria, 502 U.S. 478, 481 n.1 (1992) (emphasis in original). We deny Ginzeh’s petition for review.

Ginzeh contends that the IJ erroneously discredited his testimony. The IJ found that Ginzeh was not eligible for asylum or withholding of removal because he had not proffered credible testimony. After noting certain inconsistencies and omissions, the IJ provided Ginzeh the opportunity to offer explanations. See Campos-Sanchez v. INS, 164 F.3d 448, 450 (9th Cir. 1999). The IJ found that Ginzeh’s explanations were unpersuasive and that Ginzeh did not clarify the inconsistencies and omissions. We agree that Ginzeh did not adequately explain the inconsistencies between his testimony and prior applications and that substantial evidence supports the adverse credibility determination.

Ginzeh next contends that the IJ erred when he found that Ginzeh had firmly resettled in Germany. Having determined that the IJ’s adverse credibility determination was not in error, we do not address whether the IJ erred as to Ginzeh’s firm resettlement.

Because we affirm the determination that Ginzeh failed to establish eligibility for asylum, we also affirm the denial of Ginzeh's application for withholding of removal. Farah v. Ashcroft, 348 F.3d 1153, 1156 (9th Cir. 2003). Likewise, the BIA did not err in affirming the IJ's determination that Ginzeh failed to demonstrate he meets the standard for relief under the CAT. Wakkary v. Holder, 558 F.3d 1049, 1067-68 (9th Cir. 2009).

PETITION FOR REVIEW DENIED.